

REMARKS/ARGUMENTS

Claims 1-10 remain pending. Claims 2, 4 and 6-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Cannon et al., U.S. Patent Application Publication, US 2003/0119581 A1. Claims 1, 3, 5, and 10 were rejected under 35 U.S.C. 103 as being obvious over Cannon et al. (US 2003/0119581 A1) in view of Sharpless, U.S. Patent Publication, US 2003/0100361.

EXAMINER INTERVIEW

Applicants thank the Examiner for the Interview conducted on May 8, 2008. During the interview, the cited references and claims were discussed. It was agreed upon that the claims distinguished over the cited references.

35 U.S.C. §102 REJECTION

Claims 2, 4, and 6-9 under 35 U.S.C. § 102 were rejected as being anticipated by Cannon. Applicants submit Cannon does not disclose or suggest:

qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game; and

upon conclusion of said secondary game indication cycle, initiating the secondary type game; and

awarding, to every gaming device qualified to participate in the secondary type game, one or more payout awards.

In claim 1, a first device is qualified for a secondary type game. During a predetermined time period, additional devices are qualified. Upon conclusion of the time period, the secondary type game is initiated and one or more payout awards are awarded to every game device that qualified.

Cannon discloses that a bonus game's objective is to allow players to defeat other players. The players compete against one another in the bonus game. See Cannon, par. 18 and 29. Accordingly, Cannon does not disclose or suggest that every gaming device that is qualified

for a bonus game is awarded an award as players eliminate other players out of a bonus game. Further, Cannon suggests against awarding each gaming device an award because its objective is to provide a competitive atmosphere and allow players to defeat other players. See Cannon, par. 18.

Applicants also submit that “triggering a secondary game indication cycle” as recited in claim 2 is not disclosed by Cannon. First, this secondary game indication cycle is a cycle. As explained on page 13, lines 9-10 and page 9, lines 2-6 of the specification, once a gaming device is qualified, this cycle is triggered to run for a predetermined duration (e.g., 30 seconds). Second, it is during this predetermined duration after the first gaming device is qualified that additional gaming devices can become qualified for the secondary type game (page 8, lines 26-27). As further explained on page 8, lines 32-34 of the specification, by presenting a limited time period to qualify after the first gaming device is qualified, a “rush” is created among players to continue game play, thus significantly increasing player excitement, as well the number of game play participants as they “rush” to join game play before the limited available window of opportunity provided by the secondary bonus indication cycle is gone.

In contrast, no secondary game indication cycle can be found in Cannon, much less one that is triggered. The Examiner has cited paragraph 0050 of Cannon as disclosing a secondary game indication cycle. However, based upon the discussion above, it is now readily apparent that a message (e.g. a touch screen message of paragraph 0050) sent to inform a qualified player that he can participate in the bonus game is not a secondary game indication cycle.

Paragraph 0051 of Cannon also pointed to by the Examiner mentions various criteria used to activate the bonus game none of which disclose the secondary game indication cycle. For example, the “fixed or random time interval (activate the bonus game one-half hour after the conclusion of the last bonus game or every hour on the half hour)” is not a secondary game indication cycle that can be triggered as described above. Moreover, claim 1 recites the secondary bonus indication cycle is triggered after the first gaming device is qualified, the fixed or random time interval of Cannon runs after conclusion of the last bonus game or every hour on the half hour, creating a disincentive for increased player participation as players realize that if

the ongoing bonus game is missed, they can simply join the subsequent one scheduled for the next time interval.

Claim 4: In claim 4, “providing a secondary game indication cycle” and “awarding a payout award to all qualified gaming devices” is not anticipated by Cannon for the reasons discussed above.

Claims 6-9: Applicants submit claims 6-9 are allowable as being dependent on an independent base claim 4, which is allowable for the above referenced reasons. It is also believed that the cited portions of Cannon do not anticipate claims 6-9 as recited. Believing the 35 U.S.C. § 102 rejections to be overcome, Applicant respectfully requests that they be withdrawn and that claims 2, 4 and 6-9 be allowed.

35 U.S.C. § 103 REJECTION

Claims 1, 3, 5, and 10 were rejected as being obvious over Cannon in view of Sharpless. Applicants submit that Cannon and Sharpless do not disclose or suggest upon conclusion of the time period, the secondary type game is initiated and one or more payout awards are awarded to every game device that qualified. As discussed above, Cannon does not disclose or suggest every game device is awarded an award. Also, Sharpless discloses that an entry in a shared bonus game is selected and awarded only to that player who is selected. Cannon states that a winning entry is selected from among all qualified entries and the winning amount is provided to the player that placed the entry. See Sharpless, Abstract. Accordingly, Cannon and Sharpless do not disclose or suggest that every game device that qualified for the bonus game is awarded an award.

Applicants also submit that Cannon and Sharpless fail to disclose or suggest the feature “wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device.” As discussed with reference to claim 2, the fixed or random time interval as well as the predetermined number of base games of Cannon run after conclusion of the last bonus game or at fixed intervals and not after the first gaming device is

qualified as in claim 1. It is furthermore believed that paragraph 0053 of Sharpless cited by the Examiner does not disclose that for each additional gaming device that is qualified, the payout award of the secondary game is increased by a value (X, for example). In contrast, paragraph 0053 merely discloses that a higher percentage of total payback can be distributed to players by reducing the frequency of the bonus game.

Claims 3 and 5: Dependent claims 3 & 5 are allowable as being dependent on their respective independent base claims 2 and 4, which have been shown to be allowable for reasons discussed above. Further, it is believed that their recited features are not disclosed by the cited portions of Sharpless.

Claim 10: Applicants submit claim 10 is allowable over Cannon in view of Sharpless for reasons discussed with reference to claim 2 above. Believing the 35. U.S.C. § 103 rejections to be overcome, Applicant respectfully requests that they be withdrawn and that claims 1, 3, 5 and 10 be allowed.

Applicants have also filed an IDS and request review of the patentability of the pending claims with reference to the newly cited references. Applicants respectfully submit that the present claims are in condition for allowance and an early Notice of Allowance is earnestly sought. The undersigned may be contacted at the telephone number below at the Examiner's convenience if it would help in the prosecution of this matter.

Respectfully submitted,

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